

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEMETRIUS BROWN	)	
Plaintiff	)	
	)	
	)	C.A. No. 04-379 Erie
U.S. DEPARTMENT OF JUSTICE, et al	)	
Defendants	)	

**ORDER**

Therefore, this 23rd day of March, 2006;

IT IS ORDERED that Plaintiff's motion to amend the complaint [Document # 64] is GRANTED. As no separate proposed amended complaint was attached to the motion to amend, the motion to amend is construed as the second amended complaint.

IT IS FURTHER ORDERED that Plaintiff's motion for joinder [Document # 63] is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's motion for physical examination [Document # 61] is DENIED at this time.

In light of the filing of an amended complaint to add a Bivens claim, IT IS FURTHER ORDERED that Defendants' motions to substitute the United States of America and dismiss all individual named Defendants [Document # 46], and to strike the jury demand [Document # 48] are DENIED. IT IS FURTHER ORDERED that Defendants' motion to dismiss or for summary judgment [Document # 50] are DISMISSED without prejudice.

IT IS FURTHER ORDERED that Defendants' motion for extension of time [Document # 70] is GRANTED. Defendants shall file a response or motion to the second amended complaint before May 12, 2006.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal

within ten (10) days may constitute waiver of the right to appeal.

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S/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
CHIEF UNITED STATES MAGISTRATE JUDGE